



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 808-23
Ref: Signature Date

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Dear █ █ :

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 10 May 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

On 21 June 1994, you enlisted in the U.S. Naval Reserve (USNR) for 8 years with an Expiration of Obligated Service of 20 June 2002. On 28 September 1994, you entered active duty for 4 years. On 26 June 1998, you reenlisted for 5 years with an End of Active Obligated Service of 25 June 2003.

On 31 July 1998, you transferred from █, and arrived to Broadened Opportunity for Officer Selection and Training █ on 8 August 1998 for duty under instruction.

In accordance with Title 10 U.S.C. § 2107 (Financial assistance program for specially selected members). Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age. In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted

service, other than concurrent enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve.

In accordance with DoD 7000.14-R FMR Volume 7A, Chapter 1, service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps (ROTC), provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979 is creditable.

On 20 May 1999, you were issued orders with the following: "Transfer SNM in June 1999 to Naval Reserve Officer Training Corps (NROTC) Unit ██████████ (██████████ State University) (UIC: 66810), report NLT 0800, 7 June 1999 (ACC: 350) IAW OPNAVNOTE 1500 for NROTC prep for a period of no more than 90 days. Upon completion of 90 days duty but prior to appointment as midshipman, report to NROTC unit for separation (ACC: 380).

Transfer activity use separate account data from reference BUPERSINST 7040.6 for execution this message. Ensure SNM has 36 mos OBLISERV IAW MILPERSMAN 1020210.8. Page 13 extension not acceptable.

For Personnel Support Detachment servicing the NROTCU: SNM to be released from active duty day preceding appointment as midshipman, USNR-R. Use following separation authority and enter on the DD214: block 23: released from active duty, block 25: MILPERSMAN 3620100 (and this directive), block 26: KGX, block 27: RE-2, block 28: to enter NROTC program. If SNM refuses to accept appointment as midshipman, make avail BUPERS IAW ENLTRANSMAN chapter 20.

On 2 June 1999, you transferred from ██████████ and arrived to NROTC, ██████████ on 7 June 1999 for temporary duty.

You were released from active duty with an Honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 28 September 1994 to 22 August 1999 in order to enter NROTC program.

On 8 August 2002, you signed an Officer Appointment Acceptance and Oath of Office (NAVPERS 1000/4) in the active U.S. Naval Reserve as an Ensign with a Permanent grade date/Present grade date of 8 August 2002 and a designator code of 1165 (Unrestricted Line Officer who is in training for Surface Warfare qualification).

You requested Active duty service credit from August 1999 to August 2002 while participating in the NROTC program; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertion. However, the Board concluded that in accordance with Title 10 U.S.C. § 2107 and DoD 7000.14-R FMR, service as a member of the Army, Navy, or Air Force ROTC, provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979 is creditable. You were released from active duty to participate in the NROTC program and since you were not a member of the Selected Reserve during that period, your time in the NROTC is not creditable. Your time in the BOOST program was appropriately accounted for in your active duty service on

your DD Form 214 executed on 22 August 1999 and there is no evidence that you submitted a hardship package or requested to change to a different commissioning program. The Board found no error or injustice to warrant a change to your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

5/14/2023

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Deputy Director
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